

Reprint
as at 14 July 2017



Oranga Tamariki (Forms) Regulations 1989 (SR 1989/296)

Paul Reeves, Governor-General

Order in Council

At Wellington this 9th day of October 1989

Present:

His Excellency the Governor-General in Council

Pursuant to section 447 of the Oranga Tamariki Act 1989, and to section 9 of the Regulations Act 1936, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Vulnerable Children, Oranga Tamariki.

Schedule 2 Regulations revoked

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Oranga Tamariki (Forms) Regulations 1989.
- (2) These regulations shall come into force on 1 November 1989.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Oranga Tamariki Act 1989

chief executive means the chief executive of the responsible department.

- (2) In these regulations, unless the context otherwise requires, a reference to a numbered form is a reference to the form so numbered in Schedule 1.
- (3) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

Regulation 2(1) **Act**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Regulation 2(1) **chief executive**: inserted, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 2(1) **Director-General**: revoked, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

3 Forms

- (1) The forms set out in Schedule 1 are the forms to be used in respect of the proceedings or matters under the Act to which those forms relate.
- (2) Such variations may be made in any prescribed form as the circumstances of any particular case may require.
- (3) Strict compliance with the prescribed forms is not necessary and substantial compliance, or such compliance as the particular circumstances of the case allow, is sufficient.

4 Application by facsimile transmission

An application for a warrant under section 39(1) or section 40(1) of the Act may be made by facsimile transmission when the urgency of the case so requires.

5 Chief executive may prescribe or approve forms

- (1) The chief executive may, from time to time, for the purposes of the Act, prescribe or approve forms of applications, licences, notices, or other documents.
- (2) Every form that is prescribed or approved under this regulation for any purpose shall be the form to be used for that purpose.
- (3) The chief executive may, at any time,—
 - (a) vary or revoke any form prescribed under this regulation:
 - (b) vary or revoke any approval of any form under this regulation.
- (4) Nothing in this regulation authorises the chief executive to prescribe or approve any form for any purpose for which a form is prescribed by these regulations.

Regulation 5 heading: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 5(1): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 5(3): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Regulation 5(4): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

6 Revocations

The regulations specified in Schedule 2 are hereby revoked.

Schedule 1

Forms

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Form 1

Application for issue of place of safety warrant

Section 39, Oranga Tamariki Act 1989

I, [full name], of [address], a social worker (or constable) state—

- 1 I have reasonable grounds to suspect that [full name of child or young person], born on [date of birth], is a child (or young person) who is suffering, or is likely to suffer, ill-treatment, neglect, deprivation, abuse, or harm.
- 2 The grounds for my so suspecting are [set out facts on which applicant relies].
- 3 The child (or young person) may be (or is likely to be) found at [address or place] with [name of person(s) having the care of the child or young person].

I confirm the truth and accuracy of the statements in paragraphs 1 to 3.

I apply for the issue of a place of safety warrant to search for the child (or young person).

Signature of applicant:

Date:

Schedule 1 form 1 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(a) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(b) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(c) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(d) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(e) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(f) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(g) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(h) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2012, by regulation 4(1)(i) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 1: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form 2
Place of safety warrant

Section 39, Oranga Tamariki Act 1989

To every social worker and to every constable (*or To [full name], social worker (or constable)*)

I am satisfied, on an application in writing verified in accordance with section 99 of the Search and Surveillance Act 2012, that there are reasonable grounds for suspecting that [*full name of child or young person*], born on [*date of birth*], is a child (*or young person*) who is suffering, or is likely to suffer, ill-treatment, neglect, deprivation, abuse, or harm.

This warrant authorises you to search for the child (*or young person*).

In exercising the authority conferred by this warrant you may—

- (a) enter and search, by force if necessary, any dwellinghouse, building, aircraft, ship, carriage, vehicle, premises, or place; and
- (b) if you believe, on reasonable grounds, that the child (*or young person*) has suffered, or is likely to suffer, ill-treatment, serious neglect, abuse, serious deprivation, or serious harm,—
 - (i) remove or detain, by force if necessary, the child (*or young person*) and place the child (*or young person*) in the custody of the chief executive of the responsible department; or
 - (ii) where the child (*or young person*) is in a hospital, direct the Medical Superintendent of that hospital to keep the child (*or young person*) in the hospital.

When executing this warrant you are required to comply with sections 101(2) and 131 of the Search and Surveillance Act 2012.

The issue of this warrant also authorises a social worker to arrange for the child (*or young person*) to be medically examined by a medical practitioner under section 53 of the Oranga Tamariki Act 1989. This is subject to the restrictions in that section and in sections 54 and 55 of that Act.

If it is not possible or practicable for you to have this warrant in your possession at the time of execution, one of the following documents may be executed in accordance with section 105 of the Search and Surveillance Act 2012:

- (a) a facsimile, or a printout of an electronically generated copy, of the warrant as issued;
- (b) a copy made by the person to whom the warrant is issued, at the direction of the issuing officer and endorsed to that effect.

[*Signature*]
(Issuing officer)

Date:

Schedule 1 form 2 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 2: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 2: amended, on 1 October 2012, by regulation 4(2)(a) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 2: amended, on 1 October 2012, by regulation 4(2)(b) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 2: amended, on 1 October 2012, by regulation 4(2)(c) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 2: amended, on 1 October 2012, by regulation 4(2)(d) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 2: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule 1 form 2: amended, on 18 September 2004, by section 175(3) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Schedule 1 form 2: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Form 3

Application for issue of warrant to remove child or young person

Section 40, Oranga Tamariki Act 1989

I, *[full name]*, of *[address]*, a social worker (*or constable*) state—

- 1 An application for a declaration under section 67 of the Oranga Tamariki Act 1989 has been made to the Family Court at *[place]* in respect of *[full name of child or young person]*, born on *[date of birth]*. A copy of the application is attached.
- 2 I have reasonable grounds to believe that *[full name]* is a child (*or young person*) who is—
 - (a) suffering, or is likely to suffer, ill-treatment, serious neglect, abuse, serious deprivation, or serious harm; or
 - (b) so seriously disturbed as to be likely—
 - (i) to act in a manner harmful to himself/herself or another person; or
 - (ii) to cause serious damage to property.
- 3 The grounds for my so believing are *[set out facts on which applicant relies]*.
- 4 The child (*or young person*) may be (*or is likely to be*) found at *[address or place]* with *[name(s) of person(s) having the care of the child or young person]*.

I confirm the truth and accuracy of the statements in paragraphs 1 to 4.

I make application for a warrant to remove the child (*or young person*).

Signature of applicant:

Date:

Schedule 1 form 3 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 3: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(a) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(b) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(c) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(d) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(e) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(f) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(g) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(h) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2012, by regulation 4(3)(i) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 3: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form 4
Warrant to remove child or young person

Section 40, Oranga Tamariki Act 1989

To every social worker and to every constable (*or To [full name], social worker (or constable)*)

I am satisfied, on an application in writing verified in accordance with section 99 of the Search and Surveillance Act 2012, that there are reasonable grounds for believing that *[full name of child or young person]*, born on *[date of birth]*, is a child (*or young person*) who is—

- (a) suffering, or is likely to suffer, ill-treatment, serious neglect, abuse, serious deprivation, or serious harm; or
- (b) so seriously disturbed as to be likely—
 - (i) to act in a manner harmful to himself/herself or to another person; or
 - (ii) to cause serious damage to property.

I am also satisfied that an application for a declaration under section 67 of the Oranga Tamariki Act 1989 has been made in respect of the child (*or young person*).

This warrant authorises you to search for the child (*or young person*).

In exercising the authority conferred by this warrant you may—

- (a) enter and search, by force if necessary, any dwellinghouse, building, aircraft, ship, carriage, vehicle, premises or place; and
- (b) either—
 - (i) remove or detain, by force if necessary, the child (*or young person*) and place him or her in the custody of the chief executive of the responsible department; or
 - (ii) where the child (*or young person*) is in hospital, direct the Medical Superintendent of that hospital to keep the child (*or young person*) in that hospital.

When executing this warrant you are required to comply with sections 101(2) and 131 of the Search and Surveillance Act 2012.

If it is not possible or practicable for you to have this warrant in your possession at the time of execution, one of the following documents may be executed in accordance with section 105 of the Search and Surveillance Act 2012:

- (a) a facsimile, or a printout of an electronically generated copy, of the warrant as issued:
- (b) a copy made by the person to whom the warrant is issued, at the direction of the issuing officer and endorsed to that effect.

[*Signature*]
(Issuing officer)

Date:

Schedule 1 form 4 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 4: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 4: amended, on 1 October 2012, by regulation 4(4)(a) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 4: amended, on 1 October 2012, by regulation 4(4)(b) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 4: amended, on 1 October 2012, by regulation 4(4)(c) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 4: amended, on 1 October 2012, by regulation 4(4)(d) of the Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231).

Schedule 1 form 4: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule 1 form 4: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Form 5

Notice of placement in custody of chief executive of the responsible
department of child or young person who has been arrested

Section 235, Oranga Tamariki Act 1989

Identifying details of child or young person arrested

Full name:

Sex: [*male/female*]

Date of birth:

Permanent address:

Date of arrest:

Time of arrest:

Circumstances of arrest

(including brief particulars of the offence for which the child or young person has
been arrested)

[*specify*]

Date and time of intended appearance before the court

The above-named child (*or* young person) is due to appear on [*day, date*] at [*time*] in
the Family (or Youth) Court at [*place*].

Placement of child or young person

I, [*name*], a constable, holding the level of position of [*specify*], am placing the
above-named child (*or* young person) in the custody of the chief executive of the re-
sponsible department by delivering the above-named [*specify*] to [*name*], a social
worker, at [*place*] on [*date*] at [*time*].

I am placing the child (*or* young person) in the custody of the chief executive of the
responsible department because [*state reasons, following closely the wording of the
relevant provision of section 235(1) of the Act*].

Signed:

Date:

Notes

- 1 The constable who delivers the child or young person to the social worker must present a completed copy of this form to the social worker to whom the child or young person is delivered.
- 2 Placement of a child or young person in the custody of the chief executive under section 235 of the Oranga Tamariki Act 1989 (which placement is recor-

ded by this form) is sufficient authority for the detention of the child or young person by a social worker or in a residence under that Act, or under the care of any suitable person approved by a social worker.

Schedule 1 form 5 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 5 heading: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Schedule 1 form 5: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 5: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule 1 form 5: amended, on 1 October 2008, by section 130(3) of the Policing Act 2008 (2008 No 72).

Schedule 1 form 5: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Form 6

Certificate for the detention in police custody of a young person

Section 236, Oranga Tamariki Act 1989

I, *[full name]*, a senior social worker,

and

I, *[full name]*, a *[level of position in Police]*, being satisfied—

- (a) that *[full name]*, a social worker, has good cause to believe that *[full name of young person]*, a young person who was born on *[day, month, year]* and who was arrested on *[day, month, year]* at *[place]* for the offence of *[describe offence]*, is likely to abscond (*or be violent*); and
- (b) that suitable facilities for the detention in safe custody of that young person are not available to the chief executive of the responsible department in the locality in which that young person is detained,—

certify that that young person may be detained in Police custody for a period exceeding 24 hours and until appearance before the court.

Signature of Senior Social Worker:

Date:

Signature of *[level of position in Police]*:

Date:

Note

Where a senior social worker and a constable issue a joint certificate in this form, there shall, within 5 days after the day on which the certificate is issued, be furnished by the senior social worker to the chief executive of the responsible department, and by the constable to the Commissioner of Police,—

- (a) a copy of the certificate; and
- (b) a written report on—
 - (i) the circumstances in which the certificate came to be issued; and
 - (ii) the duration of the period for which the young person has been detained, or is likely to be detained, in Police custody.

Schedule 1 form 6 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 6: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule 1 form 6: amended, on 1 October 2008, by section 130(3) of the Policing Act 2008 (2008 No 72).

Schedule 1 form 6: amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Form 7

Summons, by way of recall, to appear before a Youth Court

Section 295, Oranga Tamariki Act 1989

To [full name], of [address], [occupation]

By order of the Youth Court at [place] made on [date], you were ordered to come before that court, if called upon within 12 months after the making of that order.

That court has now directed, on the application of a social worker (*or* a constable), that this summons recalling you before that court be issued. That application was made on the grounds [specify].

You are summoned to appear on [day, date] at [time] at the Youth Court at [place].

The court will then inquire into the circumstances of the case and your conduct since the order was made for the purpose of deciding whether it should exercise any of its powers.

Dated at: [place, date]

[Signature]

Youth Court Judge (*or* Justice of the Peace *or* Registrar (not being a constable))

Notice to person summoned

If you need help, consult a lawyer, or contact a District Court office immediately.

If you do not have your own lawyer, the court will appoint one to represent you.

The office of the District Court is open from [time] to [time] on Mondays to Fridays inclusive.

Schedule 1 form 7 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form 7: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule 2

Regulations revoked

Child Welfare (Children's Home Registration) Regulations 1928 (*Gazette* 1928 Vol II, p 1698)

Child Welfare (Forms and Procedure) Regulations 1926 (*Gazette* 1926 Vol I, p 1111)

Child Welfare (Forms and Procedure) Supplementary Regulations 1928 (*Gazette* 1928 Vol II, p 2278)

Child Welfare (Immigrant Children) Regulations 1949 (SR 1949/74)

Children and Young Persons (Forms) Regulations 1975 (SR 1975/62)

Children and Young Persons (Forms) Regulations 1975, Amendment No 1 (SR 1983/67)

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 12 October 1989.

Reprints notes

1 *General*

This is a reprint of the Oranga Tamariki (Forms) Regulations 1989 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Children, Young Persons, and Their Families (Forms) Amendment Regulations 2012 (SR 2012/231)

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(3)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(3)

Department of Child, Youth and Family Services Act 1999 (1999 No 82): section 11(3)